

Entered 4-4-03 - sb

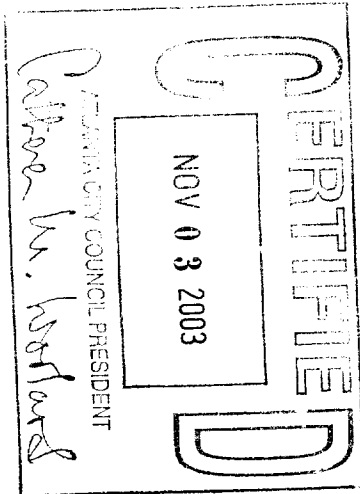
CL 03L0274 GWENDOLYN BURNS

03-*R*-1798

CLAIM OF: THOMAS F. BARNES, III

2120 McKinley Road

Atlanta, Georgia 30318



For vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe manner on December 15, 2002 at 907 Marietta Street, NW.

THIS ADVERSED REPORT IS
APPROVED

BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

NOV 03 2003

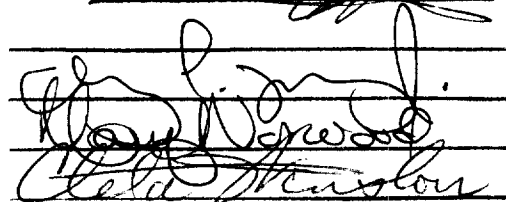
ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 10/28/03

CHAIR: 


Gwendolyn Burns

ADVERSED

NOV 03 2003



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

November 10, 2003

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Thomas F. Barnes, III
2120 Mckinley Road
Atlanta, Georgia 30318

03-R-1798

Dear Mr. Barnes, III:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 3, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,


Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0274

Date: October 13, 2003

Claimant /Victim THOMAS F. BARNES

BY: (Atty) (Ins. Co.) _____

Address: 2120 McKinley Road, Atlanta, Georgia 30318

Subrogation: Claim for Property damage \$ 1,124.00 Bodily Injury \$ _____

Date of Notice: 3/20/03 Method: Written, Proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/15/02 Place: 907 Marietta Street, NW

Department _____ Division _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a construction site that was improperly covered in the roadway. An investigation determined that Atlanta Gas Light Company was responsible for the road defect. The claimant has been so advised and her claim has been forwarded to Atlanta Gas Light Company for resolution.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR- GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____ 2H01 _____

Claims Manager:  Concur/date 10/16/03

Committee Action: _____ Council Action _____

CONSENT I

RCS# 5123
11/03/03
1:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1860

ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y Smith	Y Archibong	Y Moore	A Mitchell
B Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	B Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 5124
11/03/03
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1676

ADOPT

YEAS: 9
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 3
EXCUSED: 0
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	NV Fauver	B Martin	Y Norwood
A Young	Y Shook	Y Maddox	B Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I